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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO..
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
JONES, HEATHER RAE	

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/766,239	SEO ET AL.	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/30/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-17 define a recording medium embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed recording medium could mean a piece of paper.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (U.S. Patent 7,054,545).

Recording claim **1**, Ando et al. discloses a recording medium having a data structure for managing reproduction of still pictures, comprising: a navigation area storing at least one playlist (col. 11, lines 12-15), a first entry point map and a second entry point map (Fig. 7; col. 8, lines 46-56), the playlist including at least one playitem and at least one sub-playitem, the playitem providing navigation information for reproducing at least one still picture from a first file, the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7 and 8; col. 11, lines 31-35; col. 15, lines 34-36), the first entry point map including at least one entry point pointing to the still picture, and the second entry point map including at least one entry point pointing to the audio data (Figs. 7, 8, and 10).

Regarding claim **2**, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 including that the entry point of the first entry point map provides an address of the still picture (Fig. 7 – row (c)).

Regarding claim **3**, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 including that the playitem provides navigation information for reproducing a plurality of still pictures; and the first entry point map includes an entry point, associated with each still picture, that points to the associated still picture (Fig. 7 – row (c); col. 11, lines 12-15).

Regarding claim **4**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that the second entry point map includes a plurality of entry points, each entry point pointing to a point in the audio data (Fig. 7 – row (e)).

Regarding claim **5**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1, 3, and 4 as well as the recording medium further comprising: a data area storing a first clip file and a second clip file, the first clip file including the plurality of still pictures, and the second clip file including the audio data (Fig. 7; col. 5, lines 29-33).

Regarding claim **6**, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 including that the second entry point map includes a plurality of entry points, each entry point pointing to a point in the audio data (Fig. 7 – row (e)).

Regarding claim **7**, Ando et al. discloses all the limitations as previously discussed with respect to claim 1as well as the recording medium further comprising: a data area storing the first and second files (Figs. 1 and 7; col. 5, lines 29-33).

Regarding claim **8**, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 including that the playitem provides navigation information for reproducing presentation data from the first file, the presentation data includes at least the still picture and related data associated with the still picture (Figs. 1 and 11).

Regarding claim **9**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 8 including that the related data includes graphics data (Figs. 6A and 6B).

Regarding claim **10**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 8 including that the related data includes subtitle data (Figs. 6A and 6B).

Regarding claim **11**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 8 including that the presentation data is divided into one or more still picture units such that each still picture unit includes at least one still picture and associated related data (Figs. 1 and 11).

Regarding claim **12**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1, 8, and 11 including that the presentation data is multiplexed into a transport stream on a still picture unit by still picture unit basis (col. 19, lines 16-18 – when the presentation data is reproduced the data has to be demultiplexed, therefore the data is originally multiplexed).

Regarding claim **13**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1, 8, 11, and 12 including that each elementary stream of the presentation data are aligned within the still picture unit (Figs. 1, 32, and 36; col. 33, lines 41-52 – elementary streams are included in MPEG).

Regarding claim **14**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1, 8, and 11-13 including that each elementary

stream is a packetized elementary stream (Figs. 1, 32, and 36; col. 33, lines 41-52 – elementary streams are included in MPEG).

Regarding claim **15**, Ando et al. discloses all the limitations as previously discussed with respect to claims 1, 8, and 11-14 including that each still picture unit includes one packet from each packetized elementary stream (Figs. 1, 32, and 36; col. 33, lines 41-52 – elementary streams are included in MPEG).

Regarding claim **16**, Ando et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the recording medium further comprising: a data area storing the first file, and the first file does not include audio data (Fig. 1 – image, audio, and text files are stored separately).

Regarding claim **17**, Ando et al. discloses a recording medium having a data structure for managing reproduction of still pictures, comprising: a navigation area storing at least one playlist (col. 11, lines 12-15), a first entry point map and a second entry point map (Fig. 7; col. 8, lines 46-56), the playlist including at least one playitem and at least one sub-playitem, the playitem providing navigation information for reproducing at least one still picture from a first data stream, the sub-playitem providing navigation information for reproducing an audio stream from a second data stream separate from the first data stream (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36), the first entry point map including at least one entry point pointing to the still picture, and the second entry point map including at least one entry point pointing to the audio stream (Figs. 7, 8, and 10).

Regarding claim **18**, Ando et al. discloses a method of recording a data structure for managing reproduction of at least one still image on a recording medium, comprising: recording at least one playlist (col. 11, lines 12-15), a first entry point map and a second entry point map on the recording medium (Fig. 7, col. 8, lines 46-56), the playlist including at least one playitem and at least one sub-playitem, the playitem providing navigation information for reproducing at least one still picture from a first file, the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36), the first entry point map including at least one entry point pointing to the still picture, and the second entry point map including at least one entry point pointing to the audio data (Figs. 7, 8, and 10).

Regarding claim **19**, Ando et al. discloses a method of reproducing a data structure for managing reproduction of at least one still image recorded on a recording medium, comprising: reproducing at least one playlist (col. 11, lines 12-15), a first entry point map and a second entry point map from the recording medium (Fig. 7; col. 8, lines 46-56), the playlist including at least one playitem and at least one sub-playitem; the playitem providing navigation information for reproducing at least one still picture from a first file, the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36), the first entry point map including at least one entry point pointing to the still picture, and the second entry

point map including at least one entry point pointing to the audio data (Figs. 7, 8, and 10).

Regarding claim **20**, Ando et al. discloses in Fig. 14 an apparatus for recording a data structure for managing reproduction of at least one still image on a recording medium, comprising: a driver (409) for driving an optical recording device to record data on the recording medium; a controller for controlling the driver to record at least one playlist (col. 11, lines 12-15), a first entry point map and a second entry point map on the recording medium (Fig. 7; col. 7, lines 46-56), the playlist including at least one playitem and at least one sub-playitem, the playitem providing navigation information for reproducing at least one still picture from a first file, the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36), the first entry point map including at least one entry point pointing to the still picture, and the second entry point map including at least one entry point pointing to the audio data (Figs. 7, 8, and 10).

Regarding claim **21**, Ando et al. discloses in Fig. 14 an apparatus for reproducing a data structure for managing reproduction of at least one still image recorded on a recording medium, comprising: a driver (409) for driving an optical reproducing device to reproduce data recorded on the recording medium; a controller for controlling the driver to reproduce at least one playlist (col. 11, lines 12-15), a first entry point map and a second entry point map from the recording medium (Fig. 7; col. 8, lines 46-56), the playlist including at least one playitem

and at least one sub-playitem, the playitem providing navigation information for reproducing at least one still picture from a first file, the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36), the first entry point map including at least one entry point pointing to the still picture, and the second entry point map including at least one entry point pointing to the audio data (Figs. 7, 8, and 10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
June 25, 2007

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600